

**Town of Long Beach  
Town Council Meeting  
at Long Beach Community Center Gym  
August 9, 2021  
7:00 p.m.**

Council members Bob Lemay, John Wall, Mary Lou McFadden, Mike Johnstone, and John Kocher participated in the meeting along with Clerk-Treasurer Bill de Funiak, Police Chief Mark Swistek, and Attorney Chris Willoughby of Braje, Nelson & Janes, Access LaPorte County, and Marilyn Jones & Associates. There were also 70+ public participants.

Bob Lemay called the meeting to order at 7:00 p.m. The Pledge of Allegiance followed.

The minutes of the Executive council meeting August 3, 2021 were approved unanimously with a motion by Johnstone and second by Wall. The sets of minutes are pending approval in September.

**Police Department:** Police Chief Swistek gave the July report and a copy is with the office file of this meeting.

**The Police Commission** meeting was cancelled.

**Fire Chief Wall gave the Volunteer Fire Department** report Y-T-D stating there was an increase in medical responses for July.

**Fire Commission:** Wall stated four members of the volunteer fire dept. went to the FDIC show in Indianapolis and mentioned a truck rodeo event at University of Notre Dame.

**Street Department/Street Commission:** John Wall reported on behalf of Tom Dolph, who was on vacation. The Street Department has been maintaining the new drains, trimming brush along the roads and around stop signs, and mowing. We hope to have the CCMG grant award by the end of this month, which means we will be doing some paving in September and early October. There will be a meeting to accept bids on August 27<sup>th</sup> and a meeting to award the paving contract on August 31<sup>st</sup>. These meetings will be noticed in the local newspaper.

**Park Board** member Anita Rejimas reported on Town Stop Updates:

At Stop 20, there is not much that can be done about the erosion until the water recedes. We have closed the stop, but people continue to use it at their own risk. The rocks at the bottom make it dangerous to get to the beach.

Stop 21 work is being done along with work at Stops 23, 28, and 29; all by the same contractor, getting to them as quickly as they can.

Work at Stop 23 began two weeks ago. The Town is managing this project as well as the metal stairs. The Park Board will rebuild the wooden part of the Stop to look like Stop 21.

A big project of landscaping at Stop 24 has started. The Beach Garden Club will plant perennials; one of the volunteer firefighters will manage the watering of the plants.

Regarding Stop 28, the Park Board is receiving frequent e-mails about the revetment work at the bottom of Stop 28. The Park Board would like the Town Council to pass along information about the work being done there, and they will be happy to pass it along. Once the revetment work is complete the Park Board will work on beach access.

Work will be done in the coming weeks to remove dead trees from Town and private property. The Town Council has been managing this process.

The Park Board took over some of the street projects, and they are happy to continue working with the Street Department. However, because of budget concerns, they would like to know who is to pay for what.

**Community Center:** John Kocher reported that the YMCA is starting to get some of its instructors back. They discussed ongoing maintenance issues. The electric costs continue to go down since they have switched the lighting to LED lights.

**Water Board:** Mary Lou McFadden reported that the Water Board met July 26. Supt. Greg Parrish is working on the water tank inspection. There is \$3,500.00 in the budget. We don't need to take paint samples since they just painted the tank. The State of Indiana invoice for 2019 has been paid. They talked about the role of the new Water Department Advisory Board. Everyone who had been on the Water Board stayed on the new Board. Their new employee will start working on Thursdays and Fridays right after Labor Day. She will be responsible for Accounts Payable. The Water Department is a business that has utility bills, payroll, and water bills to pay. She would like the budget for that clarified. Bob Lemay moved to pay expenditures as in the budget; Mike Johnstone seconded. The motion passed unanimously. The Water Department will be meeting at the Town Hall; meetings will be listed on the web site.

**Budget and Finance:** Bill de Funiak reported that the town is in good shape with about \$3,000,000.00 in the bank; \$1,200,000.00 of that is committed to items that will be invoiced. We are working with Karl Cender to get the budget completed. All the numbers are in the Gateway System.

**Human Resources Advisory Committee:** This committee met on July 24 and August 3. The major discussion was the paid time off policy, which is a work in progress. They also discussed the retired public safety officers benefit package, which will be discussed later in this meeting.

**Building Commission:** Bob Lemay reported there have been no Building Commission meetings since the last Town Council meeting. The next meeting will be Friday, August 13<sup>th</sup> at 1:00 PM.

**Board of Zoning Appeals:** In June, the request of Andrew and Maria Smith, 2616 Lake Shore Drive, was set for public hearing on July 13. At that meeting, they requested a variance to the maximum overall height of the building approximately four 4 feet over the 33 feet limit; that request was denied. They requested a variance on the construction location standard for exceptional use structure, namely, a garage, which exceeded the height limit by 18 inches; they have been approved for a height up to 33 feet. Their construction location standard for accessory use in the side yard was approved. A permanent accessory use structure variance for storage that would cover 2.2% of the property, exceeding the limit of 1%, was approved. The next BZA meeting will be August 10<sup>th</sup> at 7 PM.

**Advisory Plan Commission:** Bob Lemay reported this commission met on July 26. They discussed the Shoreline Protection ordinance. Changes were made. Chris Willoughby will bring changes back to the committee next month; hopefully, it will be ready to present to the Town Council. They also had an information update to the Advisory Plan Commission about the coastal protection ordinance, which brought a lot of public comments.

Building Permit Revenue for July, 2021:

18 permits totaling \$2,456,218.00 with Revenue of \$24,543.00

3 Electric permits issued totaling \$465.00 with Revenue of \$46.50

1 Street Cut permit with \$100 Revenue

July Legal Expenses paid were \$11,677.50 to Braje, Nelson & Janes

These reports and claims were approved unanimously on a motion by Bob Lemay and seconded by John Wall.

### **Unfinished Business**

**Town's Executive Order Update:** We are requiring masks and social distancing at all meetings. At the Community Center, the YMCA continues without any changes. At the Town Hall, all people are required to wear masks.

**LSD Sewer Update:** John Wall reported that the Lake Shore Drive Sewer Committee will meet with Haas & Associates tomorrow morning to review some local issues. After that, the final engineering should be completed. They hope to be on the same schedule as is posted on the website. The lateral location information has come in. Thank you to all residents for their cooperation on that.

**Police Retirement Health Benefits:** Mary Lou McFadden reported that the Human Resources Committee has completed been working on this since late last year. The Town currently pays 100% for retirees. The Human Resources Committee recommends that for all future public safety employees with 20 years of service and who are full time on the date of their retirement, the Town will pay half of the applicable fees for the employee until the employee's eligibility

terminates or until the employee has health insurance benefits from other employment. The Town will not be responsible for any payments to the employee's HSA savings account. Bob Lemay moved to accept the motion as written. Mary Lou McFadden seconded. The motion passed unanimously.

**Town Priorities List:** Bob Lemay wondered if prioritizing the list from three months ago would be a beneficial exercise. Mike Johnstone stated there are some items that need to be addressed; in particular, the idea of term limits for committees and commissions; the rotation of chairs for the various committees and commissions; and the signing of conflict-of-interest forms at all levels, including Town Council, committees, and commissions.

John Wall thought the list gives focus to re-evaluate what we are doing on the Council. He suggested we might want to wait until the fourth quarter and use it to set goals for the coming year.

Mary Lou McFadden agreed that the list will keep us in focus.

**Cyber Security:** John Wall stated that this stemmed from the Town's purchase of cybersecurity insurance. They received two proposals. Chief Swistek has been working with the individual who serves our IT needs. Mike Johnstone and John Wall reviewed the proposals. A respected accounting firm recommended the services of K+. Their proposal was for \$950/month and included a lot of management outside of what a technician like Jim McCay does. John Wall moved we counteroffer to K+ a 1-year contract for a total of \$10,000.00. Included in this is the review of our cybersecurity insurance policy, making sure it is adequate. It would dovetail with what the police chief is doing with Jim McCay to make sure the management of the IT system and upgrades are proactive. Bob Lemay seconded the motion, which passed unanimously.

**Shoreline Protection Ordinance:** Recommendations for an amendment regarding stairs were read. Bob Lemay moved to send this amendment back to the APC. John Kocher seconded the motion, which passed unanimously.

**Deer Hunt Ordinance: An ordinance, Amending and Restating Portions of Chapters 90 and 93 of the Town Code,** allowing the Town deer reduction hunting program on Town property was presented. Bob Lemay moved to approve this ordinance on 1<sup>st</sup> reading; John Wall seconded the motion. Chris Willoughby stated he heard from an attorney representing a group of residents requesting that a list of all properties where deer hunting would be allowed be made public. John Kocher stated he would like a fact sheet answering the numerous questions about the deer hunt be provided. Some of these questions included how many hunters there would be, where will hunting be allowed, what weapons would be allowed (bow and arrow or whatever), will deer be tagged, what will happen to the deer, what are the qualifications of the hunters, etc. Motion passed unanimously.

**State Board of Accounts Response:** All is good on this item.

The **Salary Ordinance** for 2021 is in progress.

**Budget Process:** There is a meeting with Karl Cender regarding the budget for Town Manager, if we are going forward with that. If so, that \$120,000.00 needs to be included in the budget.

### **New Business**

**Appointments to Water Committee:** All former Water Board members have agreed to be on the Water Department Advisory Committee.

**Tree Board Appointments:** Bob Lemay moved that Ellen Lynch, Jayne Krol, and Janis Roberts be appointed to the Tree Board. Kocher seconded the motion. The motion passed unanimously.

**Public Works Department:** Bob Lemay moved that the Street Department and Water Department be combined into a Public Works Department under Town Council's supervision. John Kocher seconded the motion. This would get the employees of both departments under one umbrella to use their time and talents more efficiently. Chris Willoughby needs some consensus and direction from the Town Council on this matter to ultimately put this into an ordinance. Motion passed with four in favor and one opposed.

**Staggered Elections:** This is a work in progress.

**PERF Approval:** Bill DeFuniak noted that there is a valued employee who was put on a full-time basis but was not put into the PERF system. She should be credited for service back to January 1, 2019. She would have to pay about \$2,3000.00 (3%) and the Town will pay 11.2% for the town's contribution for the 30 month catch-up period. We will increase our PERF expenses for this year. Bill has already discussed this with the software and PERF people, who are in favor of this. It is easy for them to accomplish. We need Town Council approval for this. We budgeted for about a 10% increase in our health insurance and got a 1% decrease, so this additional amount will not damage the budget. Bob Lemay moved to approve this. Mike Johnstone seconded the motion. The motion passed unanimously.

**Paid Time Off Policy** was tabled until next month.

**ARP Funds:** Bill de Funiak reported the federal government approved around \$261,000.00 in grant funds for the Town of Long Beach to be paid in two installments. We received the first half last month, which is \$131,700 for 2021. We have to be cautious how these funds are spent in accordance with the federal requirements.

**Town Manager Search:** The Town Council will have an Executive session on August 28th to discuss hiring a search agency to help find a Town Manager.

**Stockwell Woods Land Transfer:** They are working on the final details for this transfer. Attorney Willoughby will work on the legal aspects for next month's meeting.

**Electrical Inspector:** Our Electrical Inspector is ill and had given notice of his retirement before he became ill. We have two candidates: Dave Wright, recommended by the town's building commissioner; and Francis Mooney, recommended by an electrical company and was formerly an electrical inspector for the City of Michigan City. We should get background checks on these individuals. We will bring this back to the next meeting after the background checks have been completed. A concern was raised about several electrical permits which have already been issued and the inspections required on them. John Wall suggested we engage the services of one of these individuals and do the background checks while we engage their services. Chris Willoughby suggested we might enter a short-term agreement with La Porte County electrical inspectors until we can get the background checks on the candidates. Bob Lemay moved that we enter a short-term agreement with La Porte County until we hire an electrical inspector. Mike Johnstone seconded the motion. The motion passed unanimously.

**Video Equipment:** There have been concerns from residents about not being able to view the Town Council meetings on Zoom. Unfortunately, using the computers for Zoom in a setting like this would have too much interference. At this time, we don't have the proper equipment to live stream the meetings. We are looking at various video equipment and programs, and we would probably need someone to run the equipment. We would also need to check whether this meeting space has adequate Wi-Fi for this purpose. Chief Swistek would like to consult with the Michigan City IT Coordinator to find out how they are doing their meetings along this line. We will continue looking into this and make determinations at the next meeting.

### **Public Comments**

Public comments will be limited to two minutes.

Dave Littell of Oriole Trail spoke concerning the previous discussion about livestreaming meetings. Could we ask AT&T to extend their fiber optic network, which ends across the street from Town Hall, throughout the community?

Chris Yagelski of Tinkers Way was concerned about the road failure since 2019 on his street. The road still has not been repaired. Why can't the road be "adopted" so it can be repaired?

Julie Sosa asked if the flagpole by the Community Center can be repaired so the flag can again be raised at the Center.

Several residents made comments about the proposed deer hunt. There were 13 comments against the deer hunt, having a moratorium on the hunt, and forming a task force to seek other options; and 1 comment in favor of the deer hunt. Paul Fithian also rose to correct some misinformation: immunocontraception is not allowed by the Indiana DNR; and there is nothing being proposed that would restrict the free movement of the residents of Long Beach.

### **Council Comments**

Mary Lou McFadden has received complaints from people who are not getting callbacks when they call for inspections. We need to address that problem. Also, there is a vacancy on the Building Commission. It would be nice if there was a retired builder on that Commission. She would like to recommend Kevin Flemington. She would like the Council to consider him and vote on his appointment at the next meeting.

Mike Johnstone thanked everyone for their heartfelt comments. He recommended two documents from the Indiana DNR: one on urban deer hunting and another on deer reduction zones. He found both to be very helpful.

John Wall also appreciated the heartfelt comments expressed this evening. This community just authorized golf carts, and we have a lot of pedestrian traffic, including children and pets. At some point, the exponential growth of the herd will cause increasing negative interactions.

Bob Lemay noted that Lyme Disease is increasing in Long Beach and there is an increased risk for e-coli. Hunting from tree stands is downward shooting, not outward. The deer have also been eating the lower branches of trees. The number of deer-automobile accidents is underestimated because most are not reported to the police or insurance companies. The bottom line is that the increasing herd population is a health problem.

**Claims Approval:** Check #18224 through #18281 totaling \$106,365.29. Payroll for July was \$79,912.35. Mike Johnstone moved that the claims be approved. Mary Lou McFadden seconded. The motion passed unanimously.

The meeting was adjourned at 9:00 p.m. with a motion by Johnstone and seconded by McFadden. The motion passed unanimously.

Respectfully submitted,

Bill de Funiak,  
Clerk-Treasurer